

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Jerry Holman,

Petitioner,

V.

Calvin Johnson, et al.,

## Respondents.

Case No.: 2:21-cv-00266-APG-NJK

## Order Dismissing Action

[ECF No. 1]

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.<sup>1</sup> Petitioner has not filed an application to proceed in forma pauperis or paid the filing fee. Accordingly, this matter has not been properly commenced.<sup>2</sup>

Thus, the present action will be dismissed without prejudice to the filing of a habeas petition pursuant to 28 U.S.C. § 2254 on the form required by this court in a new action with either the \$5.00 filing fee or a completed application to proceed in forma pauperis on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

IT THEREFORE IS ORDERED that this action is **DISMISSED** without prejudice to the filing of a petition in a new action with either the \$5.00 filing fee or a properly completed application form to proceed in forma pauperis.

IT FURTHER IS ORDERED that a certificate of appealability is **DENIED**, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.


<sup>1</sup> ECF No. 1.

<sup>2</sup> 28 U.S.C. § 1915(a)(2); Local Rules LSR 1-1, 1-2.

1 IT FURTHER IS ORDERED that the clerk send petitioner two copies each of an  
2 application form to proceed in forma pauperis for incarcerated persons and a noncapital Section  
3 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers  
4 that he submitted in this action.

5 IT FURTHER IS ORDERED that the clerk enter judgment accordingly and close this  
6 action.

7 DATED: March 1, 2021

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11 ANDREW P. GORDON  
12 UNITED STATES DISTRICT JUDGE  
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